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3 **UNITED STATES DISTRICT COURT**  
4 **DISTRICT OF NEVADA**

5 STEVEN S. BRAUNSTEIN,

Case No. 3:11-cv-00587-LRH-WGC

6 Petitioner,

7 v.

**ORDER**

8 JAMES COX, et al.,

9 Respondents.

10 On August 22, 2012, the Court dismissed Petitioner Steven S. Braunstein's petition for writ  
11 of habeas corpus pursuant to 28 U.S.C. § 2254, and judgment was entered. (ECF Nos. 37, 38.) On  
12 January 3, 2020, Braunstein filed a new petition (ECF No. 81) and motion for appointment of  
13 counsel (ECF No. 82). The Court has repeatedly advised Braunstein that this habeas action is  
14 closed and instructed him not to file further documents:

15 Several years ago, the federal habeas petition in this action was dismissed with  
16 prejudice. This Court has denied petitioner a certificate of appealability. The Ninth  
17 Circuit Court of Appeals also denied petitioner a certificate of appealability and  
18 dismissed his appeal. Petitioner was denied a petition for a writ of certiorari by the  
19 United States Supreme Court. Petitioner's repeated filing of frivolous and  
20 duplicative post-judgment motions leads this Court to find that petitioner's actions  
are a malicious abuse of the writ process. The Court directs petitioner to file no  
further documents in this closed case. Any further documents filed by petitioner in  
this case shall be stricken and petitioner will be subject to the imposition of  
sanctions.

21 (ECF No. 73 at 5–6; *see also* ECF No. 75.)

22 This action has been, and remains, closed. The Court will direct the Clerk of Court to strike  
23 the new filings, designate Braunstein as a restricted filer in this case, and return any further  
24 documents submitted in this closed action other than a notice of appeal from this order.

25 **IT IS THEREFORE ORDERED:**


- 26 1. The Clerk of Court is directed to STRIKE the petition for writ of habeas corpus (ECF  
27 No. 81) and motion for appointment of counsel (ECF No. 82) from the Court's docket.

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2. The Clerk shall designate Petitioner Steven S. Braunstein as a restricted filer in this case and shall return unfiled any further documents Braunstein submits in this closed action other than a notice of appeal from this order.

3. To the extent required, a certificate of appealability is DENIED, as jurists of reason would not find the Court's disposition of petitioner's filings to be debatable or incorrect.

DATED this 23rd day of January, 2020.

  
LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE